

UNITED STATES DISTRICT COURT

for the
Southern District of OhioIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 1:20-mj-591

Information Associated With:
THEOFFICIALGRANDMASTERJAY

That is Stored at Premises Controlled by Instagram, LLC

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

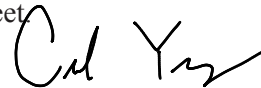
The search is related to a violation of:

Code Section	Offense Description
18 USC 875	Threats Using Interstate Communications
18 USC 2101	Interstate Travel to Incite, Organize, Encourage, Participate In or Carry On a Riot

The application is based on these facts:

See Attached Affidavit

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Caleb Yokley, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

FaceTime video (specify reliable electronic means).

Date: 8/6/2020



Judge's signature

City and state: Cincinnati, OH

Honorable Karen L. Litkovitz, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Instagram profile with username:

theofficialgrandmasterjay

that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC, a company that is owned by Facebook, Inc. and headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Instagram, LLC

To the extent that the information described in Attachment A is within the possession, custody, or control of Instagram, LLC, including any messages, records, files, logs, or information that have been deleted but are still available to Instagram, LLC, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Instagram, LLC is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All activity logs including IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
- e. All information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;
- f. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- g. All communications or other messages sent or received by the account **May 1, 2020 to present;**
- h. All user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other content **May 1, 2020 to present;**
- i. All photographs and images in the user gallery for the account **May 1, 2020 to present;**
- j. All location data associated with the account, including **May 1, 2020 to present;**

- k. All data and information that has been deleted by the user **May 1, 2020 to present**;
- l. A list of all of the people that the user follows on Instagram and all people who are following the user (*i.e.*, the user's "following" list and "followers" list), as well as any friends of the user;
- m. A list of all users that the account has "unfollowed" or blocked;
- n. All privacy and account settings;
- o. All records of Instagram searches performed by the account, including all past searches saved by the account **May 1, 2020 to present**;
- p. All information about connections between the account and third-party websites and applications; and,
- q. All records pertaining to communications between Instagram, LLC and any person regarding the user or the user's Instagram account, including contacts with support services, and all records of actions taken, including suspensions of the account.

Instagram is hereby ordered to disclose the above information to the government within 14 days of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. § 855 and/or 18 U.S.C. § 2101 involving JOHN FITZGERALD JOHNSON since January 1, 2004, including, for each username identified on Attachment A, information pertaining to the following matters:

- (a) Threats towards Law Enforcement Officers.
- (b) Evidence indicating how and when the Instagram account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Instagram account owner;

- (c) Evidence indicating the Instagram account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE SEARCH OF:)	UNDER SEAL
)	
INFORMATION ASSOCIATED WITH)	
)	
<i>THEOFFICIALGRANDMASTERJAY</i>)	Case No.
)	
THAT IS STORED AT PREMISES)	
CONTROLLED BY)	
INSTAGRAM, LLC)	

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Caleb Yokley, being first duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. I make this affidavit in support of an application for a search warrant for information associated with an account identified as THEOFFICIALGRANDMASTERJAY (the “SUBJECT ACCOUNT”) that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC, (“Instagram”) a social-networking company owned by Facebook, Inc. and headquartered in San Francisco, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), (b)(1)(A), and (c)(1)(A), to require Instagram to disclose to the government records and other information in its possession, including the contents of communications, pertaining to the subscriber or customer associated with the SUBJECT ACCOUNT.

2. I am a Special Agent with the Federal Bureau of Investigation, and have been since January, 2019. I am assigned to the Cincinnati Division’s Joint Terrorism Task Force. In this capacity, I am responsible for investigating violations of Title 18 of the United States Code and

other violations of federal law. I have conducted and participated in investigations that involved the use of advanced investigative techniques such as: execution of search warrants on computers, emails, other electronic devices and physical structures; physical and electronic surveillance, and vehicles. During my investigations, I have participated in witness interviews, subject interviews, and analysis of evidentiary items. I have received specialized training in interviewing and interrogation techniques, search and seizure, and other investigative techniques.

3. Prior to joining the FBI, I was an Assistant District Attorney (ADA) for the Knox County District Attorney's Office. As an ADA, I was primarily responsible for prosecuting criminal cases involving domestic violence, firearms offenses, as well as other misdemeanor and felony violations.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 875 (threats to kidnap or injure using interstate communications) and/or 18 U.S.C. § 2101 (interstate travel to incite, organize, encourage, participate in, or carry on a riot) have been or are being committed by JOHN FITZGERALD JOHNSON. There is also probable cause to search the SUBJECT ACCOUNT for information described in Attachment A for evidence of these crimes and items to be seized listed in Attachment B.

JURISDICTION

6. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

7. The United States, including the FBI, is conducting a criminal investigation of JOHN FITZGERALD JOHNSON (JOHNSON) regarding possible violations of 18 U.S.C. § 875 and/or 18 U.S.C. § 2101. As explained below, the investigation has revealed that Johnson is the primary organizer of a group called NFAC, and Johnson uses the monikers “the officialgrandmasterjay” and “the grandmasterjay” on social media platforms in support of NFAC.

8. A May 27, 2020, video provided to the FBI showed the leader of a group, believed to be the “NFAC”, inciting violence against the Minneapolis Police Department. The video called for people to go to Minneapolis with weapons in order to hold the two officers responsible for the killing of George Floyd.

9. The above-referenced video was linked to the SUBJECT ACCOUNT. Specifically, “flyondawallmedia” posted the video to Youtube and referenced SUBJECT ACCOUNT in the first comment. Similar videos posted to Youtube by “flyondawallmedia” also direct viewers to the SUBJECT ACCOUNT through the comment section. Additionally, Youtube user “Flyondawallmedia” was labeled “NFAC Founder.”

10. Open source searches on “NFAC” revealed the “Not Fucking Around Coalition” (NFAC) was formed after the death of Ahmaud Arbery. The leader was identified as “Grand Master Jay, ex-military, 2016 US Presidential Candidate.” Analysis of Grand Master Jay’s

Facebook account, and screenshots of a live stream video, compared to law enforcement database photographs revealed the user of “theofficialgrandmasterjay” to be JOHN FITZGERALD JOHNSON (JOHNSON).

11. The investigation has revealed that JOHNSON has been residing in the Southern District of Ohio at 2475 Fox Sedge Way Apt G, West Chester, OH 45069. In addition, JOHNSON has visited the Shoot Point Blank gun range in the Southern District of Ohio.

12. **Attribution of the Instagram Subject Account.** On July 17, 2020, Instagram provided a response to a Federal Grand Jury subpoena for subscriber information on the SUBJECT ACCOUNT. The first name listed on the account is “The Official Grand Master Jay” with a verified cell phone number of 513-258-5180. Prior Federal Grand Jury subpoenas issued to Sprint confirmed the phone number 513-258-5180 is registered to JOHN JOHNSON, 2475 Fox Sedge Way Apt. G, West Chester, OH 45069.

13. On June 10, 2020, Instagram was served with a preservation request pursuant to 18 U.S.C. § 2703(f), requiring Instagram to preserve all information associated with the SUBJECT ACCOUNT.

14. **Johnson’s Statements and Actions Since June 2020.** On June 03, 2020, a confidential human source viewed social media posts on Youtube and the SUBJECT ACCOUNT on Instagram posted by user “theofficialgrandmasterjay,” believed to be JOHNSON. While streaming on Instagram live, “theofficialgrandmasterjay” stated the only way to stop violence is to identify and locate the homes of police officers, burn the houses to the ground, kill the officer, their family members, and their associates. The account showed a photograph of a person dressed in all black and a black mask wielding what appeared to be a black rifle with a black scope or optic.

15. On June 08, 2020, JOHNSON stated on a broadcast: “at some point I am leaving I am not going to stay with you long. I am going to leave soon and I hope that you will follow me. If not I hope you learn something. My time is almost up here and I am not going to say I’m not going to miss you guys. I love all of you that’s why I still come before you when people tell me I should be quite but the power of the internet is not to be underestimated. If it wasn’t powerful they wouldn’t ban, silence us or put on a mask to see what we what we were doing. I came I saw I delivered my message, I lead by example but it is written they will sing your praises on Monday and they will crucify you on Friday. You sang my praises and now you are starting to cruisy me. I am going to make this real short. I have another mission that I have accepted I have a bigger purpose that I have accepted. I am going to tell you take off the masks now.” JOHNSON further stated he was planning a July 4th, 2020 open carry march.

16. The following are excerpts from a post made by JOHNSON on June 15, 2020 indicating his likelihood to travel with firearms on or around July 4th 2020: “We do our own shit on July 4th when we do our black guns formation that’s our shit”...”This is us showing a little of our teeth and you want to set it off that would be the wrong thing to do because the world is watching and I would hate for you to see a running gun fight on tv with hundreds of mother fuckers out there with weapons and white folks losing do you know what would happen”...”Vegas or Atlanta you get there and bring your heat.”

17. JOHNSON has multiple videos on YouTube referencing travel on July 4th 2020 to Atlanta, Phoenix and Las Vegas. On June 17, 2020, JOHNSON’s Instagram profile was made private, limiting the gathering of updated information on JOHNSON’s travel plans. Prior to making the profile private, JOHNSON posted, “July 4th in two cities in America, Atlanta,

Georgia; Las Vegas, Nevada, the largest all black open carry formation that the world has ever seen.”

18. On June 17, 2020, SUBJECT ACCOUNT was made private, limiting the gathering of updated information on JOHNSON’s upcoming plans for NFAC. Many of JOHNSON’s posts to the SUBJECT ACCOUNT are recorded by private viewers and reposted publicly to Youtube.

19. On or about July 4, 2020, JOHNSON organized an NFAC protest at Stone Mountain, GA. On July 4, 2020, FBI received an online tip regarding a Youtube video showing JOHNSON. He stated: “White people, whatever you do to us, we will do to you. We are taking what is ours. We’ve got nothing else to lose. You do not point your weapon at anyone until we do. After that, I don’t give a fuck. Kill every motherfucker you can. If you didn’t come out today ready to kill a motherfucker leave now.”

20. In response to the well-publicized death of Breonna Taylor in Louisville, KY, JOHNSON focused the attention of the NFAC toward Louisville, KY.

21. On or about July 16, 2020, JOHNSON participated in a video call with Louisville City Council members. JOHNSON tells them Louisville is in the spotlight right now and Louisville does not want to be on the receiving end of the next step of this process. JOHNSON adds, “We are not a bunch of thugs or criminals, we are law abiding citizens who want the law to happen fairly to us. I am coming to you today to say I am the last step before I can hold back the flood gates of people that would put your city on the map in the worst way and I am being honest with you gentlemen.” JOHNSON states later, “I would be remiss not to tell you there are a lot of people nationwide that are ready to descend on your city to extract justice. If you can’t give us some type of guarantee that something is coming soon.” The telephone call was filmed for the viewing of his followers. After the call, JOHNSON stated, “They do not want the NFAC to

march into their city fully armed because they know we don't come to protest. We're not coming to demonstrate. We come because we want justice.”

22. JOHNSON posted a livestream video via SUBJECT ACCOUNT on approximately July 20, 2020, in which JOHNSON stated: “The full mobilization nationwide of the entire NFAC to descend on Louisville, Kentucky. We are descending on Louisville, Kentucky because there has yet to be a resolution in the case of Breonna Taylor.” In the same video, JOHNSON stated, “I’ve got to let you know how serious this is, so you’re not surprised at what you are going to see. And I am going to be fair here. You may not like what I am going to say but I am not here for a popularity contest. I am here for justice. I am here to make sure that restitution is paid. I am here to make sure the person who did wrong has to pay for the wrong they did because someone in the black community was a victim.”

23. In the July 20, 2020 video, JOHNSON went on to discuss the idea of “arresting” by force the individuals involved in Breonna Taylor’s death. JOHNSON stated: “We aren't playing with you all this time. Then we are going to go pay some people a visit and we hope everything goes smooth. . . That means that if you want to go and get somebody. If you want effect a citizen’s arrest. They come into your possession. So, if you decide we want to go and arrest somebody that needs arresting. We have to be audacious and we have to have the confidence that we are serious. We have to let them know that we see here to arrest you. We are going to have to do a citizen’s arrest on you and we are going to keep you because you are in our possession now. When your folks come to ask where are our people? We got them. What are you going to do with them? We don’t know what we are going to do with them yet, but you can have them back if you pay the price. If they don't pay the price they will stay in our possession because

you obviously didn't think they was valuable enough to put them in yours. I think I just spoke the words to somebody that can read between the lines.”

24. On July 25, 2020, JOHNSON organized an NFAC “formation” in Louisville, Kentucky, which consisted of armed protesters. During the event, JOHNSON stood on the steps of a government building and announced via loudspeaker, “if we don’t get the truth in four weeks, we will burn this motherfucker down.”

25. On approximately July 27, 2020, after the protest in Louisville, JOHNSON went live on the SUBJECT ACCOUNT and stated, “Before we fight the white man again, we are going to start killing every last one of you. We are going to go door to door and start killing niggas and mean it... If I say every member of the NFAC start killing other black people who are talking reckless against us because they are the enemy. A lot of you all would shut the fuck up and you have no idea how close we are to that point.”

26. On approximately July 28, 2020, JOHNSON went live on the SUBJECT ACCOUNT and stated, “They thought the formation that we had down in Louisville was big... And they know we are going to have another one that’s much bigger. The question is where, when and why? Because the who doesn’t seem to matter no more.”

Information Regarding Instagram

27. From my review of publicly available information provided by Instagram about its service, including Instagram’s “Privacy Policy,” I am aware of the following about Instagram and about the information collected and retained by Instagram.

28. Instagram owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.instagram.com>. Instagram allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and other

information. Users can access Instagram through the Instagram website or by using a special electronic application (“app”) created by the company that allows users to access the service through a mobile device.

29. Instagram permits users to post photos to their profiles on Instagram and otherwise share photos with others on Instagram, as well as certain other social-media services, including Flickr, Facebook, and Twitter. When posting or sharing a photo on Instagram, a user can add to the photo: a caption; various “tags” that can be used to search for the photo (e.g., a user made add the tag #vw so that people interested in Volkswagen vehicles can search for and find the photo); location information; and other information. A user can also apply a variety of “filters” or other visual effects that modify the look of the posted photos. In addition, Instagram allows users to make comments on posted photos, including photos that the user posts or photos posted by other users of Instagram. Users can also “like” photos.

30. Upon creating an Instagram account, an Instagram user must create a unique Instagram username and an account password. This information is collected and maintained by Instagram.

31. Instagram asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their user profile. This information may include the user’s full name, e-mail addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Instagram. Once an account is created, users may also adjust various privacy and account settings for the account on Instagram. Instagram collects and maintains this information.

32. Instagram allows users to have “friends,” which are other individuals with whom the user can share information without making the information public. Friends on Instagram may

come from either contact lists maintained by the user, other third-party social media websites and information, or searches conducted by the user on Instagram profiles. Instagram collects and maintains this information.

33. Instagram also allows users to “follow” another user, which means that they receive updates about posts made by the other user. Users may also “unfollow” users, that is, stop following them or block the, which prevents the blocked user from following that user.

34. Instagram allow users to post and share various types of user content, including photos, videos, captions, comments, and other materials. Instagram collects and maintains user content that users post to Instagram or share through Instagram.

35. Instagram users may send photos and videos to select individuals or groups via Instagram Direct. Information sent via Instagram Direct does not appear in a user’s feed, search history, or profile.

36. Users on Instagram may also search Instagram for other users or particular types of photos or other content.

37. For each user, Instagram also collects and retains information, called “log file” information, every time a user requests access to Instagram, whether through a web page or through an app. Among the log file information that Instagram’s servers automatically record is the particular web requests, any Internet Protocol (“IP”) address associated with the request, type of browser used, any referring/exit web pages and associated URLs, pages viewed, dates and times of access, and other information.

38. Instagram also collects and maintains “cookies,” which are small text files containing a string of numbers that are placed on a user’s computer or mobile device and that allows Instagram to collect information about how a user uses Instagram. For example, Instagram

uses cookies to help users navigate between pages efficiently, to remember preferences, and to ensure advertisements are relevant to a user's interests.

39. Instagram also collects information on the particular devices used to access Instagram. In particular, Instagram may record "device identifiers," which includes data files and other information that may identify the particular electronic device that was used to access Instagram.

40. Instagram also collects other data associated with user content. For example, Instagram collects any "hashtags" associated with user content (i.e., keywords used), "geotags" that mark the location of a photo and which may include latitude and longitude information, comments on photos, and other information.

41. Instagram also may communicate with the user, by email or otherwise. Instagram collects and maintains copies of communications between Instagram and the user.

42. As explained herein, information stored in connection with an Instagram account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, an Instagram user's account activity, IP log, stored electronic communications, and other data retained by Instagram, can indicate who has used or controlled the Instagram account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, direct messaging logs, shared photos and videos, and captions (and the data associated with the foregoing, such as geo-location, date and time) may be evidence of who used or controlled the Instagram account at a relevant time. Further, Instagram account activity can show how and when the account was

accessed or used. For example, as described herein, Instagram logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Instagram access, use, and events relating to the crime under investigation. Additionally, Instagram builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Instagram “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Instagram account owner. Last, Instagram account activity may provide relevant insight into the Instagram account owner’s state of mind as it relates to the offense under investigation. For example, information on the Instagram account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

43. Based on the information above, the computers of Instagram are likely to contain all the material described above with respect to the SUBJECT ACCOUNT, including stored electronic communications and information concerning subscribers and their use of Instagram, such as account access information, which would include information such as the IP addresses and devices used to access the account, as well as other account information that might be used to identify the actual user or users of the account at particular times.

Information To Be Searched And Things To Be Seized

44. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular Title 18, United States Code, Sections 2703(a), (b)(1)(A), and (c)(1)(A), by

using the warrant to require Instagram to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

45. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that evidence, fruits, and instrumentalities of violations, or attempted violations, of 18 U.S.C. § 875 and/or 18 U.S.C. § 2101 may be located in the SUBJECT ACCOUNT described in Attachment A.

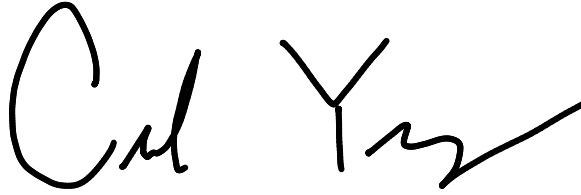
46. Based on the forgoing, I request that the Court issue the proposed search warrant.

47. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Instagram. Because the warrant will be served on Instagram, who will then compile the requested records at a time convenient to it, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

REQUEST FOR SEALING

48. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Caleb Yokley". The signature is fluid and cursive, with the first name "Caleb" written in a larger, more prominent script than the last name "Yokley".

Special Agent Caleb Yokley
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me on 6th August, 2020

A handwritten signature in blue ink, appearing to read "Karen L. Litkovitz". The signature is written in a cursive style, with the first name "Karen" and last name "Litkovitz" clearly legible.

The Honorable Karen L. Litkovitz
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Instagram profile with username:

theofficialgrandmasterjay

that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC, a company that is owned by Facebook, Inc. and headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Instagram, LLC

To the extent that the information described in Attachment A is within the possession, custody, or control of Instagram, LLC, including any messages, records, files, logs, or information that have been deleted but are still available to Instagram, LLC, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Instagram, LLC is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All activity logs including IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
- e. All information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;
- f. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- g. All communications or other messages sent or received by the account **May 1, 2020 to present;**
- h. All user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other content **May 1, 2020 to present;**
- i. All photographs and images in the user gallery for the account **May 1, 2020 to present;**
- j. All location data associated with the account, including **May 1, 2020 to present;**

- k. All data and information that has been deleted by the user **May 1, 2020 to present**;
- l. A list of all of the people that the user follows on Instagram and all people who are following the user (*i.e.*, the user's "following" list and "followers" list), as well as any friends of the user;
- m. A list of all users that the account has "unfollowed" or blocked;
- n. All privacy and account settings;
- o. All records of Instagram searches performed by the account, including all past searches saved by the account **May 1, 2020 to present**;
- p. All information about connections between the account and third-party websites and applications; and,
- q. All records pertaining to communications between Instagram, LLC and any person regarding the user or the user's Instagram account, including contacts with support services, and all records of actions taken, including suspensions of the account.

Instagram is hereby ordered to disclose the above information to the government within 14 days of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. § 855 and/or 18 U.S.C. § 2101 involving JOHN FITZGERALD JOHNSON since January 1, 2004, including, for each username identified on Attachment A, information pertaining to the following matters:

- (a) Threats towards Law Enforcement Officers.
- (b) Evidence indicating how and when the Instagram account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Instagram account owner;

- (c) Evidence indicating the Instagram account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC
RECORDS PURSUANT TO FEDERAL RULES OF
EVIDENCE 902(11) AND 902(13)**

I, _____, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by Instagram, LLC, and my title is _____ . I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of Instagram, LLC. The attached records consist of _____ **[GENERALLY DESCRIBE RECORDS (pages/CDs/megabytes)]**. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of Instagram, LLC, and they were made by Instagram, LLC as a regular practice; and

b. such records were generated by Instagram, LLC's electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of Instagram, LLC in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by Instagram, LLC, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date

Signature